

Wharton, Joseph

depos
1602

THE DUTY ON NICKEL.

NICKEL is a simple metal, a chemical element, which, until within a few years, has been extracted from ores found in Europe and in the United States. Those ores are arsenides, small in quantity but rich in nickel and its associate metal cobalt, and sulphides, much more abundant but much poorer than the arsenides. This latter class of ores, containing from 1 to 2 per cent. of nickel, furnished nearly all the nickel of the world until the much richer, yet abundant ore called Garnierite (substantially hydrated silicate of nickel) was discovered in the French penal colony Noumea, the English name of which is New Caledonia.

Those Noumean ores contain from 10 to 20 per cent. of nickel; they are abundant, near to the surface, and easily mined; they are mined by the labor of convicts hired for a trifle from the French government; they are close to the seaboard and can therefore be delivered in any part of the world at small cost for freight; they can be so treated by a cheap furnace process in Noumea as to be brought to the condition of so-called "crude nickel" containing about 66 per cent. of nickel, thus still further cheapening the cost of freight to the European refiners.

The Noumean mines are owned by a French company in which the great house of Rothschild is said to be interested, which company has avowed its determination to shut up all other sources of nickel and to hold an absolute monopoly of the world's trade in that metal. It has succeeded in closing all the European mines except a few which drag on a pinched and miserable existence; it intends to close my establishment, the only one in America, and to prevent the development of the numerous American mines which await their chance.

I have been frequently and urgently invited to stop mining and to buy the Noumean ore, but have refused to go further than to buy an experimental parcel of a few tons.

The ores, or the crude nickel, of these Noumean mines goes to Europe, is bought there by the English and German refiners, and is made by them into pure nickel for the European market or into the "alloy" which they concoct purposely to evade our tariff law.

That evasion is thus managed. Our tariff law ordains that nickel shall pay 30 cents per pound import duty, and that nickel

oxide and alloy of nickel with copper shall pay 20 cents per pound import duty.

When the law was made, "nickel," as known to commerce, was a substance containing about 95 per cent. of absolute nickel and about 5 per cent. of worthless matter. "Alloy of nickel with copper" was at that time, as known to commerce, a substance containing about half nickel, half copper.

No attempt was made to bring in nickel under the guise of alloy, until the cessation of nickel coinage in Germany, and the pressure of Noumean ores, urged the European nickel makers to experiment upon the credulity or the venality of our customs officers.

After finding that several alloys poorer in nickel were so admitted, they tried to introduce at 20 cents per pound a substance containing about 95 parts nickel with 5 parts copper—as rich in nickel and otherwise more valuable than the "nickel" known to the makers of our existing law—and after some little difficulty they obtained a secret ruling from the Treasury Department ordering the admission of that substance as alloy at 20 cents per pound. This is not the place to exhibit all the sinuosities of that absurd and iniquitous Treasury ruling, which still remains uncorrected, though all the Treasury officials acquainted with the facts know its wrongfulness. Let it suffice here to say that this successful evasion of a lawful duty could hardly have succeeded without the connivance of some of the nickel consumers, who thus became parties to a conspiracy to defraud the revenue (see Appendix).

The "alloy" made from Noumean ores for the American market is made principally by H. Hussey Vivian, M. P., of Swansea, a "heavy swell" as one of his countrymen described him to me, a rich manufacturer of divers metals, a Cobden Club man, a typical Englishman, and a good fellow, but not an object of charity for American legislators.

One after another of the larger American buyers of nickel has been induced by secret advantages offered by Mr. Foote, the New York agent of this man, and by the agents of a German nickel maker, to use the fraudulent "alloy," and to that extent my market has been reduced, so that I have been obliged to close my establishment, mines, furnaces, and refinery, and of course to dismiss all the skilled workmen who had been trained to their special functions.

This is the result of the fraud by which practically all of the nickel imported enters at a duty of 20 cents per pound.

Now, the advantages of the rich, cheaply mined, and easily worked

ores of Noumea over the hard-to-mine, lean, and hard-to-work ores of my mine, and of the cheaper chemicals and labor of Europe over those of this country, can, as I believe, be offset by a duty upon nickel of 25 cents per pound, if that duty is so laid as not to be evaded, but not by a lower duty.

Senator Platt and others seek to depict me as a greedy monopolist, possessing the only nickel mine in America, who can make nickel at 50 cents per pound, and who tries to exact from his customers more than double that price.

I am alone in the business simply because no other man in America has dared to embark in so difficult and hazardous a trade. Senator Platt's constituents have nickel ore quite similar to mine, and in apparent abundance, within a few miles of their German-silver works—at Torrington, at Litchfield, and probably at other places in the Naugatuck Valley.

Do they operate those mines, and share the gross gains of the nickel business? Not they; they prefer to fatten on their comfortable German-silver manufacture, avoiding a task which they have not the pluck or ability to grapple with, and, while willingly debauched by the secret bargains of Mr. Foote, attempt to stab the only American who has courage to make nickel.

But it would be unjust thus to describe all of Senator Platt's constituents. The memorial upon which he relies purports to be signed by four men as a committee of the eleven Naugatuck mills. I have been able to see two, and as yet only two, of those eleven concerns; they are two of the largest, and both of them repudiate the attack of that memorial upon nickel. Perhaps few of the eleven approve it.

Senator Platt asserts the duty of 20 cents per pound on nickel to be prohibitory. Senator Mitchell shows that 177,822 pounds (nearly half the consumption of the country) were imported last year.

Mr. Platt asserts that a single concern in Connecticut uses three times as much nickel as is imported. This is incorrect. I believe no single American consumer of nickel consumes half as much as is imported, and I challenge a denial with proof.

Mr. Platt says when the duty of 30 cents was imposed on the ore (he means on nickel, but he is ignorant of his subject) nickel was worth \$2 to \$2.75 per pound. Incorrect again; nickel was then worth about half the latter price, as can be shown by the bills of Mr. Platt's constituents. He is mixed in his dates; the higher price began later, when Germany decided to coin nickel.

Mr. Platt says he is informed that nickel can be produced as

cheaply here as abroad, because my ore is more easily refined, and that I can make nickel at 50 cents a pound. Again incorrect. His informants may possibly know their own business, but they do not know mine. My ores are much more difficult to refine than those of Noumea, and I believe it is impossible in this country or any other to produce nickel from such ores as mine for 50 cents a pound; if it had been possible, the mines of such ores in Europe could now be in full operation, and so could my own. Whether nickel can be produced in Europe with the cheap labor and chemicals of those countries, and from Noumean ores, for 50 cents per pound, I can not say, not being gifted with clairvoyance into other people's business.

Mr. Platt says he never heard of my denying that I can make nickel for 50 cents per pound; he never heard of my denying that his informant is a fool. Nobody ever asked me either question. Probably his informant has been repeating that fiction somewhere up in Connecticut, where he hoped to get sympathetic listeners, until he believes it, but he never offered it to me. This 50 cents per pound fiction was so reiterated by the Senate opponents of American nickel that they evidently consider it the backbone of their case. But what must be thought of the case which clamors to Congress to destroy a useful industry, and has nothing better to offer as basis than the jealous imagination of an anonymous informant?

Mr. Platt believes I am still, in spite of New Caledonia, making 100 per cent. on every pound of nickel I produce. He is evidently the man I have long been wanting to sell out to, and I now proffer him my whole establishment at a discount from its fair value of \$500,000, and will take pay in the stock of his distressed German-silver companies.

Mr. Platt speaks of the Mexican coin contract, as if his informant had discovered it and had a patent on it. I had in 1876 introduced the subject to the Mexican Commissioners at the Centennial Exhibition, and thereafter kept the matter constantly in view through Mr. Navarro, the Mexican Consul in New York, expecting it some day to take such shape as to permit me to make the coins or the coin blanks.

Mr. Coe, the first signer of the Naugatuck memorial and Mr. Platt's informant on this point, has, I believe, not consumed a ton of nickel in the last five years—perhaps not in ten years—but he thought last year that he could get that Mexican contract, and

he applied to me for nickel, which I offered at market price. As the matter was looked into, it became evident that very close competition would be offered by European manufacturers, and Mr. Coe concluded that even with such concession on nickel as I would then make he had no chance of getting the contract. He therefore abandoned it definitely.

After that absolute abandonment by him, and not until then, another Connecticut company desired to get the contract, and came to me for nickel. It had become still more apparent that only very low prices would win, and, in the spirit of something like desperation which sometimes seizes a man in the heat of strife, a much lower bid was made by that company than by Coe--I putting the nickel lower, and the company putting their work lower.

I submit that both that company and I had the right to do this, and that it is none of Coe's business; but he thinks otherwise, and so his memorial is begotten and thrust upon Congress. In point of fact, it seems there had never been a reasonable chance of getting that contract in the United States. Our endeavors had probably no other effect than to beat down European prices.

Mr. Platt says "No, sir," when asked: "Is there any other nickel mine in the United States besides Wharton's." This is sheer fatuous ignorance. The Torrington mine, where nickel ore was mined on a rather large scale for several years, is about two miles from Mr. Coe's mill at the town formerly called Wolcottville, but now called Torrington. There was also a furnace (which I visited at the same time I visited the mine) for smelting that nickel ore, and this furnace was about one mile from Mr. Coe's works.

That Torrington ore was not long worked, and was never successfully worked in Connecticut; whether because the brass and German-silver business paid the canny wooden-nutmeg men better, or whether their consciences forbade them to bloat themselves with the ungodly profits of the nickel manufacturer, history does not inform us. Let us believe it was piety.

The Torrington nickel ore went mainly to England, but it did not pay. Of course it could not pay; it was too lean, as mine is, to bear the transportation.

But there it is, and there about eight or ten miles southward from the Torrington mine is the Litchfield nickel mine, which was full of water when I visited it (as my own mine was when I first saw it and bought it), but which showed by the specimens strewn about the surface that the deposit was of ore quite similar to mine.

Possibly a nickeliferous vein may occur at intervals all the way from Litchfield to Torrington, but Mr. Platt's constituents will never develop it. How can they develop what they declare does not exist?

Nickel is so common in this country that I have been wearied with answering the senders of samples who desired to sell their mines. I believe it exists, in such ore as I have worked, in nearly all the States which possess ranges of Azoic rocks, while on the Pacific slope there are important deposits of just such ore as is found in Noumea. I can exhibit several samples of such ore; the latest came to me on the 1st inst. from San Francisco.

Freight is a hindrance to the development of all these mines, but the honest ignorance of some legislators misguided by the disinterested Briton, and the narrow local fidelity of others misguided by the contracted views of certain constituents, are greater hindrances.

Senator Beck says "the Mint is paying now \$1.50 per pound to Mr. Wharton for it." Later he says, "Mr. Wharton has a monopoly, selling to the United States at \$1.15, when he can sell at 50 cents." Mr. Beck's sufficient excuse is that he don't know what he is talking about—don't even know the difference between \$1.50 and \$1.15. It is true that I *can* sell nickel to the Mint at 50 cents per pound, (if I choose to sink money,) just as Mr. Beck can sell silver, if he happens to be interested in a silver mine, at 50 cents per ounce. I should delight to hear of Mr. Beck's carrying out his Spartan principles by offering to supply the United States Mint with silver at 50 cents per ounce. I think he is bound to do it, and he is not the man to shirk a duty.

When I began to make nickel 20 years ago, our Mint had no resources for nickel except the foreign manufacturers, and it was sometimes obliged to stop coining because it could not get nickel. Since I began, it has always had an abundant home supply to put into competition with the foreigners, and has been thus enabled to make a really huge profit by the manufacture of nickel coins. By consuming about \$600,000 worth of nickel, bought from me in the course of say 20 years, the Mint has made a profit on nickel coinage which is several times as much as the total cost of the nickel.

It may interest Mr. Beck to know that the lowest guess he makes at the price last paid by the Mint for nickel is above the truth. Perhaps it would be out of order for me to state more nearly any transactions of the Mint, but Mr. Beck can probably get the infor-

mation from the Mint authorities, and my foreign competitors would perhaps pay him something for the information.

What he, or his "semi-official" friend at the Treasury, means by saying the Mint bought 17,000 pounds of nickel at 80 cents a pound I do not know; Mr. Beck's expression would probably be more accurate if he stated his friend to be semi-informed.

Germany is the country in which nickel was discovered by the chemist Woehler; in Germany are nickel mines which were for years the best known deposits of this metal. Germany is a free trade country as regards nickel, and draws its supplies of nickel free of duty from all the world.

Germany introduced nickel coinage more than a decade after the United States, and had all the advantage to be derived from the cheapening advance in the arts during that period. Of course then Germany bought nickel for its coinage far cheaper than the United States Mint paid to that grasping, greedy, close fisted monopolist Wharton. Probably did not pay half as much. Free trade does such wonders.

Germany paid nearly double as much for its nickel as the United States did. The lofty, unselfish European nickel makers rigged the market on Bismarck, and ran the price up to three times what it had been—it even seemed doubtful whether an adequate supply could be had, but I was fortunately able to spare nickel to Europe and sent large quantities over there at a fine profit, making far more gain from Germany's nickel coinage than all I ever made from that of the United States. It was from the accident of Germany deciding to coin nickel, and not from the tea spoons of that crushed worm, the American farmer, whom our Free Traders delight to weep over, that I made most of what money the nickel business has yielded me.

By the bye a German-silver tea spoon contains about 1-50 to 1-100 of a pound of nickel, according to its weight and quality.

A duty of 25 cents per pound upon nickel would therefore, if the whole of it were permanently added to the cost of nickel, add from $\frac{1}{4}$ to $\frac{1}{2}$ cent to the cost of the spoon.

A farmer's family, requiring we will say two dozen such spoons, would thus have to pay from 6 to 12 cents additional for its spoons, and as they could not be expected to last more than, we will say, three years, the unhappy farmer and his family would be "taxed" to the extent of at least 2 cents, and possibly 4 cents per annum.

"If you have tears prepare to shed them now," but do it quickly

while the first impression lasts, for this dreadful picture has another side.

During the period of German coinage, say during most of the years 1874, 1875, 1876, nickel was not only so run up in price, but was really so scarce that very little could have been procured in America except for the existence of my works—it is hardly too much to say that none could have been procured, for not only did practically none come here from abroad, but I sent, as before stated, large quantities to Europe. Our pinched Connecticut friends would then have been obliged to close their spoon works, and our unhappy farming population being quite deprived of their accustomed spoons and obliged to eat with their fingers, might have retrograded several stages towards their Simian ancestors, but for that grasping monopolist who made American nickel and sold it here cheaper than nickel was then sold in Europe.

The only other escape from these disasters would have been for the Connecticut spoon makers to march painfully a couple of miles back among their own hills and dig out their own nickel, but that would be expecting too much of them. Connecticut human nature has its limits.

Senator Bayard resorts to the device of reckoning the duty upon a *ton* of nickel and is startled to find that 20 cents per pound upon 2240 pounds comes to \$488. I share his surprise, and refer him to the multiplication table.

But he says it comes to \$488 per ton upon the *crude ore*. I dislike to press upon honest ignorance, (such as Mr. Bayard exhibits when he declares that *tutenegue* is the alloy of copper and zinc) but Mr. Bayard is a legislator, and has no right to urge legislation based upon false data.

The article nickel, which is now subject to the duty of 30 cents per pound, which the Ways and Means bill (following the Tariff Commission bill) proposes to set at 25 cents per pound, and for which Mr. Bayard ignorantly imagines that 10 cents per pound ought to suffice, is an advanced product of the highest metallurgical science and art, a token and necessity of high civilization, almost as far removed from crude ore as the diamond is from the coal heap. Let Mr. Bayard apply the ciphering he is so apt in to determining the "tax" per ton upon diamonds.

Senator Van Wyck excites himself with the idea that the Government is bearing me up with its strong arms and taxing the nation for my sole benefit.

I have supported and aided the Government more than it has supported and aided me. I am one of the men who create and maintain the prosperity of the nation, and who enable it to survive even the affliction of wrong-headed and cranky legislators.

We are the toiling oxen who make the nation's harvest notwithstanding the gad-flies.

To Senator Morrill I must say that German-silver of the highest ordinary quality contains but 18 per cent. of nickel, while much is made containing but 10 per cent. Those German-silver makers who consume the fraudulent "alloy" seem to use it exactly as if it were pure nickel, since analysis shows that their alleged 18 per cent. German-silver does not contain 18 per cent. of nickel.

The four memorialists declare that nickel is now worth 70 cents a pound in England; the duty of 25 cents per pound proposed by the Ways and Means Committee is therefore $35\frac{7}{10}$ per cent.

Compare this with the duties upon the other metals so vastly less difficult to manufacture. If it is greater than the average duties imposed upon other metals, there is some show of reason for reduction; if it is not, there is none. I have never asked for favor; I have always demanded equity. I demand that, and no more, now.

Now what is all this pother about that it should hold the Senate of the United States for an hour? Senator Hawley says that the Connecticut manufacturers consume an *illimitable* quantity of nickel. They consume annually about 300,000 pounds, including what they use in nickel plating—probably less than this—the total value being about \$300,000. To shave off a fraction of this "illimitable" sum they condescend to ally themselves with their industrial enemies, and with the agents of those enemies, one of whom is stated in the New York papers to be defendant in a suit for \$200,000 for failure to take after a decline goods which he had bought on a "boom."

Nickel making is not a great interest, but it is the foundation of much greater, and in fact of indispensable industries, though most of the \$8,000,000 capital which Mr. Hawley parades is invested, not in industries consuming nickel, but in those consuming copper, zinc, etc.

This nickel industry has been a favorite object of attack by the foreigners, their agents, pimps and toadies, First, because it invades what they had fondly imagined to be a safe and lucrative little close corporation; Secondly, because I have taken some part in the general defense of American industries, and it would be gratifying to destroy such a man; Thirdly, because I am alone, and the cow-

ards fancy I am therefore vulnerable, and will be abandoned by my countrymen.

My works are now stopped. I can live without them. The country can also do well enough without them until it suits the plans of the foreigners to levy contributions. Then the men who plucked from the German government so considerable a slice of the French indemnity, and who have since been eagerly looking for another fat goose, may be trusted to appear.

America is so much goose and so fat that it will fill their programme nicely.

Then, however, American nickel buyers will not rebel at paying for nickel double the price which now afflicts them; for it will seem to them to be a law of nature, akin to the attraction of gravitation in dignity, which drags them down, viz., an English price-current. Of course the calm foreigners who rake in the winnings of their rigged-up market can not be expected to care that American farmers are then "taxed" 20 cents or 50 cents each per annum for the nickel in their spoons. Of course also the grieving American friends of those unhappy farmers will then be diligently looking in some other direction.

Something akin to this, but on a smaller scale, has already taken place with regard to cobalt oxide, which is one of my by-products in the nickel business.

Last autumn when I had decided to close the nickel works, as I had no considerable stock of cobalt oxide, I endeavored to purchase in Europe, direct from the makers and by wholesale, enough cobalt oxide to supply my customers for at least half a year, but was unable to get it at a price which would permit of its being sold here as low as I had been selling my own product. My customers are therefore left to shift for themselves, and though the hope of retaining their custom permanently may induce the foreigners to give exceptionally favorable terms, it is clear enough that American cobalt buyers will have to pay more to Europeans than they paid to me. In fact the price has already risen. Will any of the highly cultured economists who howl for cheap materials complain of that higher price? By no means—what would be the use! No American Congress, however stocked with purblind, small-witted, Free Traders, eager to snap at any American industry, could reach the case; besides it is not good form for those men to find fault with any profit that *foreign* manufacturers can make out of us. It is only a prosperous American manufacturer that afflicts them.

It is pitiful to think that the industries of our country should be at the mercy of legislators, some of whom are actually hostile, and many of whom are so ignorant; to think that any lie of the busy agents of our national industrial enemies—mostly small, barking creatures—should be believed, even when not understood, and that the statements of a fellow citizen of known respectability should be disbelieved and cheapened, simply because he is a fellow citizen. It would be ludicrous, if it were not lamentable, to think that a tree bearing good fruit, which has been reared to maturity with so much care and toil, should be cut down by legislators who know little more about the subject than a cow knows about Sunday.

It is my duty thus to endeavor to dispel some of the mystery and darkness which envelop the subject, in order that if this industry must perish it may “perish by the light of day.” But I am not yet willing to believe that it will be legislated out of existence, or that either of the distinguished gentlemen whom I have named would knowingly and willfully do it injustice.

As the Senate has now acted, nickel *in ore*, *in matte* (ore concentrated by smelting), or *in other crude form* not ready for consumption in the arts, is to pay the same duty as nickel, nickel oxide, and alloy in which nickel is the element of chief value. It is a gross and unprecedented absurdity to charge no more duty upon the highly refined and costly metal than upon the same metal in ore.

Upon nickel in ore fifteen cents per pound is probably more than enough, ten cents might suffice; upon nickel in matte or other crude form twenty cents per pound is not too much, because the metal may in some such form be brought quite near to the refined state.

Upon nickel, nickel oxide, and alloy of any kind in which nickel is the element of chief value, twenty-five cents per pound is not too much, and is necessary.

The striking out of the lines in Tariff Commission’s schedule relative to iron or other metals covered with nickel, and to wares made therefrom, may prevent the manufacture in this country of a most desirable class of culinary ware, but I have said enough.

JOSEPH WHARTON.

PHILADELPHIA, February 5, 1883.

APPENDIX.

THE DUTY ON "NICKEL" AND ON "ALLOY OF NICKEL WITH COPPER."

PHILADELPHIA, October 31, 1882.

HON. CHARLES J. FOLGER, *Secretary of the Treasury*.

SIR: By existing law the duty upon imported nickel is 30 cents per pound, and upon alloy of nickel with copper it is 20 cents per pound.

Continuously since the enactment of that law, until prevented by the evasion of that law, I have been engaged in the mining of nickel ore and the manufacture of nickel in this country, having employed therein about 250 persons and about \$500,000 of fixed capital.

Upon the obligation of the United States Government that 30 cents per pound import duty will be exacted upon all foreign nickel, my business is founded.

I therefore have a vested interest in the due fulfillment of that law which no officer of the Government has a right to deprive me of, and as to which I have a right, should any doubt arise, to the prompt protection of any tribunal empowered to act in such cases.

When that law was passed, "nickel" as known to commerce was a substance containing about 95 parts of absolute nickel and about 5 parts of worthless earthy matter. At the same time "alloy of nickel with copper" as known to commerce was a substance containing those two metals in proportions somewhat varying, but not widely,—usually about one-half nickel and one-half copper. To such substances as were at that time commercially understood by the designations used in the law, the law must be held to apply.

In order, however, to evade a part of the lawful duty, foreign manufacturers of nickel prepared substances containing much more than one-half of nickel and much less than one-half of copper and sent the same into the port of New York under the designation of "alloy of nickel with copper," finally preferring to compound about 95 parts nickel with 5 parts copper as a sort of staple article for this evasion.

This substance was by the collector of that port properly classified as nickel, but under appeal taken to the Treasury Department it was ruled that such metal should be classified as alloy of nickel with copper, and consequently should be admitted at 20 cents per pound import duty.

In this ruling the grave fault was committed of depriving a citizen, without a hearing, of his lawful rights. Not only was the question, so important to me, decided adversely to me without notice to me, but the decision when made was not published in the usual manner among the rulings of the Department.

My foreign rivals under cover of this secret, and, as I claim, illegal, ruling in their favor seduced my customers by the lower prices which they were thereby able to offer, and thus ruined my business.

Having at length become apprised, by the courtesy of a customer who had been solicited to buy the so-called "alloy," of the fraud which was being practiced, I caused an effort to be made by my New York agent to have the abuse corrected, but this effort resulted merely in an order by the Department to follow the ruling above mentioned.

I then applied to Secretary of the Treasury Sherman, by whom the injurious ruling was made, to rectify it. He promptly ordered an investigation to be made by a Special Agent, but before a report was made the Secretary had retired from office and Secretary Windom had succeeded him.

This report of Special Agent George A. Tichenor, made in April, 1881, was to the effect that all the entries of the so-called "alloy" had been in evasion of law, and that all ought to be reliquidated and charged the rate of duty fixed by law upon Nickel. In the confusion following the murder of President Garfield, and in the pressure of business growing out of the conversion of United States bonds, Secretary Windom found no time to act upon this report.

Since your accession to office the matter has been brought to your notice, and you were pleased to express a preference to decide it not simply upon the report of Special Agent Tichenor but upon appeal brought to you in some actual case. As all these importations came into New York, I naturally spoke of the matter to Appraiser Howard of that port, who referred me to Assistant Appraiser Hall. The latter classified as "nickel" several invoices of the alleged "alloy," but was directed by Appraiser Howard to re-classify as "alloy," for the reason, as I understand, that, in the absence of direct orders from the Department, the printed ruling upon any subject should be followed.

During the years since the foreign nickel-makers and their New York agents succeeded in imposing upon the department as alloy a substance containing as much absolute nickel as the commercially pure nickel of the time when the law was made, and more valuable than the latter, by having its 5 parts of trash replaced by 5 parts of copper, the importations of nickel have taken more and more the form of the fraudulent "alloy," until at present no nickel in any other form is imported, and my business is virtually ruined. No check has been put to this remarkable fraud until, when it reached the consummate impudence of offering as "alloy" nickel of as high purity as can be made (between 99 and 100 per cent.), you ordered that particular metal to be classified as "nickel."

The suspicious ease with which a secret decision was obtained in favor of the evasion of duty, the constant suppression and baffling of all my attempts to obtain a reversal of it, and the final arbitrary smothering by Appraiser Howard of a case prepared for appeal in compliance with your choice, convince me that no power short of your own will reach the evil.

I now respectfully but firmly ask of you to accord to me my legal right of a decision in this matter. It is not conceivable that you will, by further delay, accede to the view, which this case as it stands seems to establish, that while a foreign manufacturer is offered a premium for any cunning contrivance by which the intention of the tariff law may be colorably evaded, and acquires an inexpugnable right in permanence to the fruits of his trick, the American manufacturer has no rights which the law is bound to respect.

That the importer contends merely for his personal commission, while I contend for the subsistence of many families of our countrymen, is beside the case, as is the question of any personal leaning toward "Free Trade" or toward the "Protection" which the majority of the nation has so often declared to be its will.

Equally beside the case is the suggestion that some future law may be so framed as to correct this abuse.

I demand my rights under the existing law, and that without further delay, having already been made to suffer most serious and unreasonable injury, for which past injury I can unfortunately expect no redress or satisfaction.

Very Respectfully,

JOSEPH WHARTON.

I beg to add that a ruling which should merely hold a substance containing 95 parts nickel and 5 parts copper to be legally "nickel" would not suffice, since it would simply invite the law-evaders to make a substance with 94 parts nickel and 6 parts copper.

A ruling is needed to declare the true intent and meaning of the law as to the line of demarcation between "nickel" and "alloy of nickel with copper." Special Agent Tichenor indicates clearly where that line should be drawn.

